

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1190

IN THE MATTER OF:

Served January 7, 1972

Investigation of Authority)
to Perform Contract Opera-)
tions.)

Docket No. 234

Order No. 1172, issued October 4, 1971, established a general investigatory proceeding to delineate the authority necessary to operate contract services, incorporating Application No. 715 and Formal Complaint Nos. 24 and 26 into that Docket. By Order No. 1177, issued on November 8, 1971, following a pre-hearing conference in this proceeding, a motion by A. B. & W. Transit Company to sever and set for immediate hearing Formal Complaint No. 24 was denied. That order also denied a joint motion by A. B. & W. Transit Company, D. C. Transit System, Inc., and W. V. & M. Coach Company, Inc. to dismiss Application No. 715.

In a consolidated petition filed December 6, 1971, reconsideration is sought for both of the aforementioned rulings.

Immediate hearing on Formal Complaint No. 24 is supported as being essential for the maintenance of compliance with WMATC rules and regulations. We do not believe that this argument requires severance of Formal Complaint No. 24 from Docket No. 234. We fully expect to discharge our regulatory obligations in regard to Formal Complaint No. 24, however, as we stated in establishing this proceeding, the issues involved in Formal Complaint 24, namely the authority of a carrier to perform a specific contract operation, can only be resolved after the disposal of the more fundamental issues in this proceeding.

The petition for reconsideration of Commission refusal to dismiss Application No. 715 relies on the arguments presented in the formal motion to dismiss filed previously. This motion was examined carefully and we believe its dismissal to have been proper.

THEREFORE, IT IS ORDERED that the petition for reconsideration of Order No. 1177, filed December 6, 1971, by A. B. & W. Transit Company, D. C. Transit System, Inc., and W. V. & M. Coach Company, Inc., be, and it is hereby, denied.

BY DIRECTION OF THE COMMISSION:


DOUGLAS N. SCHNEIDER, JR.
Executive Director